

October 17, 2018

Water PACK formed in the early 1990's with the primary purpose of being a proactive voice for irrigated agriculture in the Barton, Pawnee, Edwards, Stafford, Kiowa and Pratt county area. The focal point of Water PACK's formation was the eventual likelihood that the state of Kansas would take regulatory action addressing the surface water right that Quivira National Wildlife Refuge holds on diverting flow from Rattlesnake Creek for refuge use and operation.

The US Fish and Wildlife service did file an impairment proceeding with the state in 2013 and the Chief Engineer of the Division of Water Resources released the state's conclusion that junior groundwater pumping in the basin was impairing the service from 3000-5000 acre feet per year. The chief engineer's report also stated that real time administration of water rights would not be an effective remedy due to the lag time between the interaction of streamflow to groundwater withdrawal.

The board of directors of Groundwater Management District #5 have been attempting to develop a remedy to the impairment that would satisfy the needs of Quivira and be palatable to junior groundwater use. GMD 5 is trying to utilize the state's Local Enhanced Management Area statute to address the issues related to this impairment. One of the key components of this LEMA plan to date is the portion of the remedy that would develop stream augmentation to provide Quivira with needed water at times of low streamflow. Water PACK was successful in directing a bill through the state legislature that allows for stream augmentation in the Rattlesnake Creek basin. Water PACK has long held the view that stream augmentation and incentivized and voluntary conservation efforts could effectively remedy Quivira's impairment. The draft LEMA proposals that GMD 5 has released to date do contain stream augmentation as a portion of the remedy. Water PACK recognizes there are still many details as to the placement, construction and operation of any augmentation plan. Water PACK is working to identify methods of funding augmentation and insuring that the operation of such does not pose a threat to local sources of water in quality or quantity.

As proposed augmentation would be achieved by supplying water to the stream channel at some point above the west side of Quivira's diversion works. Water PACK sees this delivery method as inefficient and would like the augmentation to be readily delivered on refuge to the points of need. Water PACK has retained Kogosvek and Associates of Denver, CO, a governmental relations and consulting firm, with their scope of work defined as achieving the goal of having augmented water developed and delivered at least partially on refuge. Water PACK has been involved in multiple tours of Quivira with congressional staff of Senators Moran and Roberts and Congressmen Estes and Marshall. Water PACK has worked with these congressional offices and has formally asked the US Department of Interior for technical assistance in achieving this goal through a letter signed by the four representatives.

One aspect of the LEMA formation that is of concern is the geographic scope of the area in which the Division of Water Resources expects to regulate water use for the purpose of addressing the impairment. The basin of designation that accompanies a water right simply does not have any relevance in the eyes of DWR as the boundary of the draft LEMA includes wells outside of the Rattlesnake Creek basin. Wells in the North and South Fork of the Ninnescah and Arkansas basins are included in the area of enforcement. The scope of area for the LEMA was determined by the state through the use of the hydrologic model that was developed and funded by GMD 5.

The hydrologic model in use also defines an area primarily in Stafford County where groundwater pumping has a greater impact on streamflow. The draft LEMA targets this area as where additional

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reductions of use on an annual basis needs to be achieved. Water PACK again working with Kogosvek and Associates is trying to identify ways to secure funding through governmental and private sources to incentivize the conservation of water in this impact area. Water PACK is diligently exploring methods to achieve this conservation while also compensating water right holders at a market driven rate.

Water PACK has been working with Dr. Nathan Hendricks with Kansas State University in the development of an analysis of the economic impact and importance of irrigated agriculture in the Water PACK region. Water PACK clearly recognizes the crucial role that irrigated agriculture plays in the local economy and the necessity to have the economic impact defined and readily apparent to key decision makers.

This Quivira issue is complex and has many challenges. Water PACK fully understands the economic importance of irrigated agriculture to our communities' schools, hospitals, churches and our basic way of life for south central Kansas. Water PACK would like to commend and thank the board of directors of GMD 5 for the countless hours dedicated to this issue. Water PACK also understands the importance of finding a solution to this issue through the LEMA process. The alternative solution of having a state mandated Intensive Groundwater Use Control Area (IGUCA) would place the regions irrigated driven economy in an even more precarious position. Water PACK views the LEMA process as one that at least provides for some level of local input. Undoubtedly the draft LEMA proposals offered to date have had heavy influence from the Kansas Department of Ag/Division of Water Resources. But a LEMA solution does provide some built in implementation time for projects and programs to be achieved. Whereas the IGUCA order could impose drastic water use curtailment immediately upon its enactment.

Water PACK appreciates your support and encourages your participation in these decisions.

Sincerely,



Water PACK Board of Directors
Kent L Moore President

Barton County:	Daniel Grizzell;	Bronson Smith
Edwards County:	Ryan Russell;	Richard Wenstrom
Kiowa County:	Pat Janssen;	Kim Gamble
Pawnee County:	Tim George;	Ken Hammeke
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